

IN THE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Christopher Prosser, individually and
on behalf of all others similarly situated,

Plaintiffs.

Vs.

USHealth Advisors, LLC, et al.,

Defendants.

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No. 4:23-cv-00124 MTS

**MOTION FOR LEAVE TO FILE A SUR-REPLY
TO DEFENDANT’S MOTION TO DISMISS**

Comes Now the Plaintiff, by and through undersigned counsel, and pursuant to Local Rule 4.01(c) and FRCP 7, respectfully requests leave to amend his surreply to the Defendant's reply to Plaintiff's response to Defendants motion to dismiss, herein for the following reasons:

1. Defendant USHA has filed a reply which misstates facts and law and fails to include the most recent, controlling Missouri based decisions on both the applicability of the Missouri Long Arm Statute and this Court's jurisdiction over this case.
2. The Defendants or their associated companies continue to call and harass the Plaintiff albeit he is represented by counsel and this litigation is moving forward.
3. The Plaintiff has additional evidence of the calls and harassment, as well as the Defendants recalcitrance and defiance of the MDNC, DNC, and the TCPA.

4. The Plaintiff's arguments are within twelve (12) pages and will promote judicial economy and the expeditious resolution of the Defendants motion to dismiss.

5. Defendants cannot be prejudiced by filing a reply to their arguments, as they failed to state controlling law and ignore the precedent controlling issues herein.

WHEREFORE, Plaintiff prays for leave to file his contemporaneously submitted surreply and for such further relief deemed just in the circumstances.

Respectfully submitted,

/s/Edwin V. Butler, Esquire
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Attorney for the Plaintiff

Certificate of Service

I hereby certify that the above and foregoing motion for leave to file a sur-reply was served electronically this 26th day of July 2023, on all Attorneys of record via ECF/CM filing and notification system. This document was also scanned for viruses using Windows Defender 2022 and is free of viruses and malware.

/s/Edwin V. Butler
Edwin V. Butler